

IN RE: PETITION FOR ZONING VARIANCE
ES/Falls Road, 375' S of
C/L of Hollins Road
6115 Falls Road
9th Election District
4th Councilmanic District
Emil A. Budnitz, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-331-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an existing setback of 91.77 feet in lieu of the required 120 feet as determined by section 204.4.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner was represented by David A. Friedman, Esquire of Lord & Whip, P.A. who presented evidence on behalf of the Petitioner, Emil A. Budnitz, Jr. There were no Protestants.

The evidence indicated that the subject property, known as 6115 Falls Road consists of 3.043 acres, more or less, primarily zoned O-1 with a small portion which is reserved for a storm water management easement zoned DR-5.5. Said property is the site of the Lake Falls Professional Building, a brick office building which was erected on the site in 1985. Petitioners are desirous of making the setback requirement comply with the as-built condition of the property which finds the building at its easternmost side only 91.77 feet from the boundary of a D.R. 5.5 residential zone that borders the

subject property to the east. Petitioner's Exhibits 3 and 4 are minutes from a County Review Group meeting from March 28, 1985 and correspondence from Susan Carrell dated March 27, 1985 which reflect that despite considered review of the plans for this building and despite certain initial zoning problems with the originally proposed plans, the plans were apparently modified without the process of a zoning hearing. Such a hearing may have uncovered the setback deficiency prior to the erection of the building. Consequently, the plans as ultimately submitted were approved and the subject building was erected in accordance with those plans, and the setback deficiency resulted.

The evidence presented would indicate that the granting of the variance in this instance is within the spirit and intent of the zoning regulations and will not result in any detriment to the health, safety or general welfare of the surrounding community. The building has been completed for almost 5 years now with the setback deficiency and no person has objected to the setback deficiency. On September 5, 1989, in response to a letter from Petitioner's counsel, James E. Dyer, Zoning Supervisor of Baltimore County, notified Petitioner as follows:

We do not dispute that the [building] permit was properly obtained and we are very much aware that at the time the permit application was processed and or checked for compliance to the Zoning Regulations, the setback was either miscalculated or overlooked by our staff and the developer's engineer, and the permit application was approved in good faith.

On the basis of these circumstances...this office will never pursue a zoning violation regarding this particular deficient setback. This action does not constitute the granting of a variance.

The Petitioners have petitioned for a variance in order to prevent any future objections from third parties regarding this deficiency.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Solely, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-331-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204.4.C.1. To allow an existing setback of 91.77 feet in lieu of the required 120'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

See attachment

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

David A. Friedman, Lord & Whip, P.A.

(Type or Print Name)

Signature

Address

City and State

120 W. Fayette St.

Baltimore, MD 21201

City and State

Attorney's Telephone No.: 539-5881

Legal Owner(s):

Emil A. Budnitz, Jr.

(Type or Print Name)

Signature

Address

City and State

120 W. Fayette St.

Baltimore, MD 21201

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

David A. Friedman

Name

120 W. Fayette St.

Baltimore, MD 21201

City and State

Attorney's Telephone No.: 539-5881

Address

Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 17 day

of March 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning

Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 19 day of March 1990, at 2 o'clock

P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

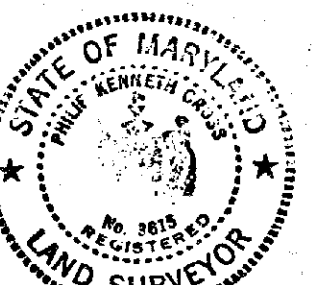
GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
418 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

November 27, 1989

Zoning Description

All that piece or parcel of land situate, lying and being in the Ninth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the east side of Falls Road at a point distant 375 feet more or less measured along the east side of Falls Road from the center of Hollins Road and thence leaving Falls Road and binding on the outlines of the petitioners herein, the three following courses and distances viz: North 78 degrees 48 minutes 20 seconds East 167.25 feet, North 7 degrees 22 minutes 00 seconds East 49.00 feet and North 69 degrees 09 minutes 00 seconds East 130 feet more or less, thence leaving said outlines and binding on the zoning line between O-1 and DR-5.5 Zones, South 9 degrees 35 minutes 30 seconds East 132 feet more or less, thence still binding on said zoning line East 132 feet more or less of the petitioners herein, South 9 degrees and on the property line of the petitioners herein, South 9 degrees 35 minutes 30 seconds East 219.78 feet to the north right of way line of the Northern Central Railroad, thence leaving said right of way line, South 51 degrees 06 minutes 45 seconds West 205.65 feet, thence leaving said right of way line and binding on the property line of the petitioners herein, the eight following courses and distances viz: North 11 degrees 32 seconds West 99.38 feet, North 9 degrees 15 minutes 30 seconds West 31.95 feet, North 9 degrees 00 minutes 00 seconds East 21 seconds West 3.00 feet, North 32 degrees 32 seconds East 99.50 feet, North 10 degrees 31 minutes 31 seconds West 59.15 feet and South East 31.80 feet, North 70 degrees 31 minutes 31 seconds West 59.15 feet, North 11 degrees 32 seconds West 139.00 feet to a point in Old Falls Road, thence binding in the bed of Old Falls Road and Falls Road, the two following courses and distances viz: North 9 degrees 15 minutes 30 seconds East 110.12 feet and South 59 degrees 15 minutes 30 seconds East 28.00 feet to the east side of Falls Road and thence binding on the east side of Falls Road, North 6 degrees 52 minutes 51 seconds West 111.67 feet to the place of beginning.



Philip M. Haines

As your records will reflect, the Lake Falls Professional Building Development was subject to lengthy considerations and reviews by the Zoning Commission, the County Review Group (C.R.G.), and the State Highway Administration during the years 1984 to 1985. During that time several questions arose with respect to the zoning changes and access road changes necessary for the approval of the development. For example, it was required that an access road to properties lying south of the development be diverted for easier access to Falls Road and serious time and attention was given to the height of the building and how it was to be measured in order to permit the subject property to attain an O-1 classification. Sometime after these deliberations, but prior to the time that the building permit was issued, and prior to the final approval of the Zoning Commission, the engineering firm of Whitman, Reardon & Associates engineered the final site plan for the improvements that were to be constructed. The Zoning Commission, C.R.G., and all necessary state and county agencies approved these plans, a building permit was issued (building permit #75081) and the site was developed in perfect compliance with all plans, specifications and drawings.

Well over two million dollars was spent constructing the project and hundreds of thousands more have been spent in property taxes, other improvements, leasing arrangements and the like. Four years have passed since the time of Baltimore County's initial approval of the development. There have been no complaints, violations, or other problems relative to this development in that time. However, while Mr. Budnitz, the owner of the property, was attempting to secure refinancing for the property, the surveyors discovered a potential building setback restriction (as shown on the attached drawing) which, without a variance, will cause unreasonable hardship to Mr. Budnitz since he would be unable to secure refinancing, his current financing would expire, or be accelerated, and he would be held liable for seventy-two thousand dollars or more in various commitment fees and expenses. In addition, Mr. Budnitz has already expended several thousand dollars in extension fees and attorney's fees that have arisen solely as a result of these unforeseen impediments to the refinancing.

Consequently, we are requesting an immediate variance based on the doctrines of laches, waiver, and estoppel and based on the practical difficulty arising from the zoning regulations (see Baltimore County Zoning Regulation 204.4.C.1) as they affect the subject property. Woodley Park Community Association v. District of Columbia Board of Zoning Adjustment, 490 A.2d 628 (D.C. App. 1985), McLean v. Solely, 270 Md. 208, 310 A.2d 783 (1973), and that line of cases support the appropriateness of a variance in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of March, 1990 that the Petition for Zoning Variance to permit an existing setback of 91.77 feet in lieu of the 120 feet required by the B.C.Z.R. section 204.4.C.1. in accordance with Petitioner's Exhibits 1, 3, and 4, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning said property to its original condition.
2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

J. Robert Haines
Zoning Commissioner

3153Q

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 9, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 8, 1990.

THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 8, 1990

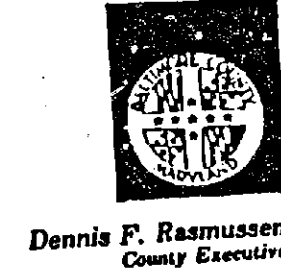
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 7, 1990.

TOWSON TIMES,

S. Zabe Orlean
Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353
J. Robert Haines
Zoning Commissioner

DATE 2/12/90



Emil A. Budnitz, Jr.
6115 Falls Road
Baltimore, Maryland 21206

Re: Petition for Zoning Variance
CASE NUMBER: 90-331-A
E/S Falls Road, 375' S of C/L of Hollins Road
6115 Falls Road
9th Election District - 4th Councilmanic
Petitioner(s): Emil A. Budnitz, Jr.
HEARING: TUESDAY, MARCH 6, 1990 at 2:00 p.m.

Dear Petitioner:

Please be advised that \$147.77 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 112, Towson, Maryland 21204, fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: David A. Friedman, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 897-3353
J. Robert Haines
Zoning Commissioner

January 22, 1990

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-331-A
E/S Falls Road, 375' S of C/L of Hollins Road
6115 Falls Road
9th Election District - 4th Councilmanic
Petitioner(s): Emil A. Budnitz, Jr.
HEARING: TUESDAY, MARCH 6, 1990 at 2:00 p.m.

Variances To allow an existing setback of 91.77 ft. in lieu of the required 120 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

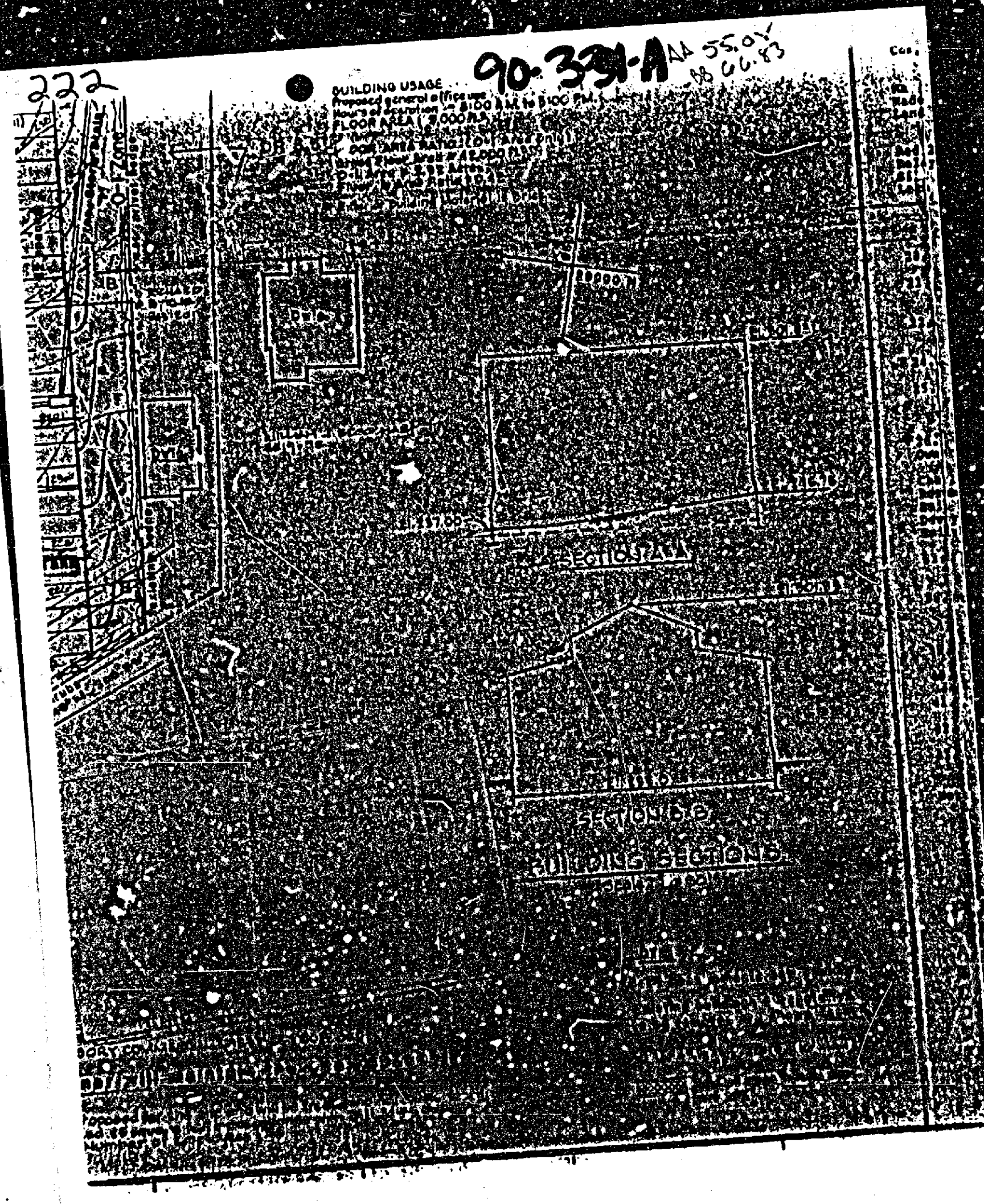
NOTE:

If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 897-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

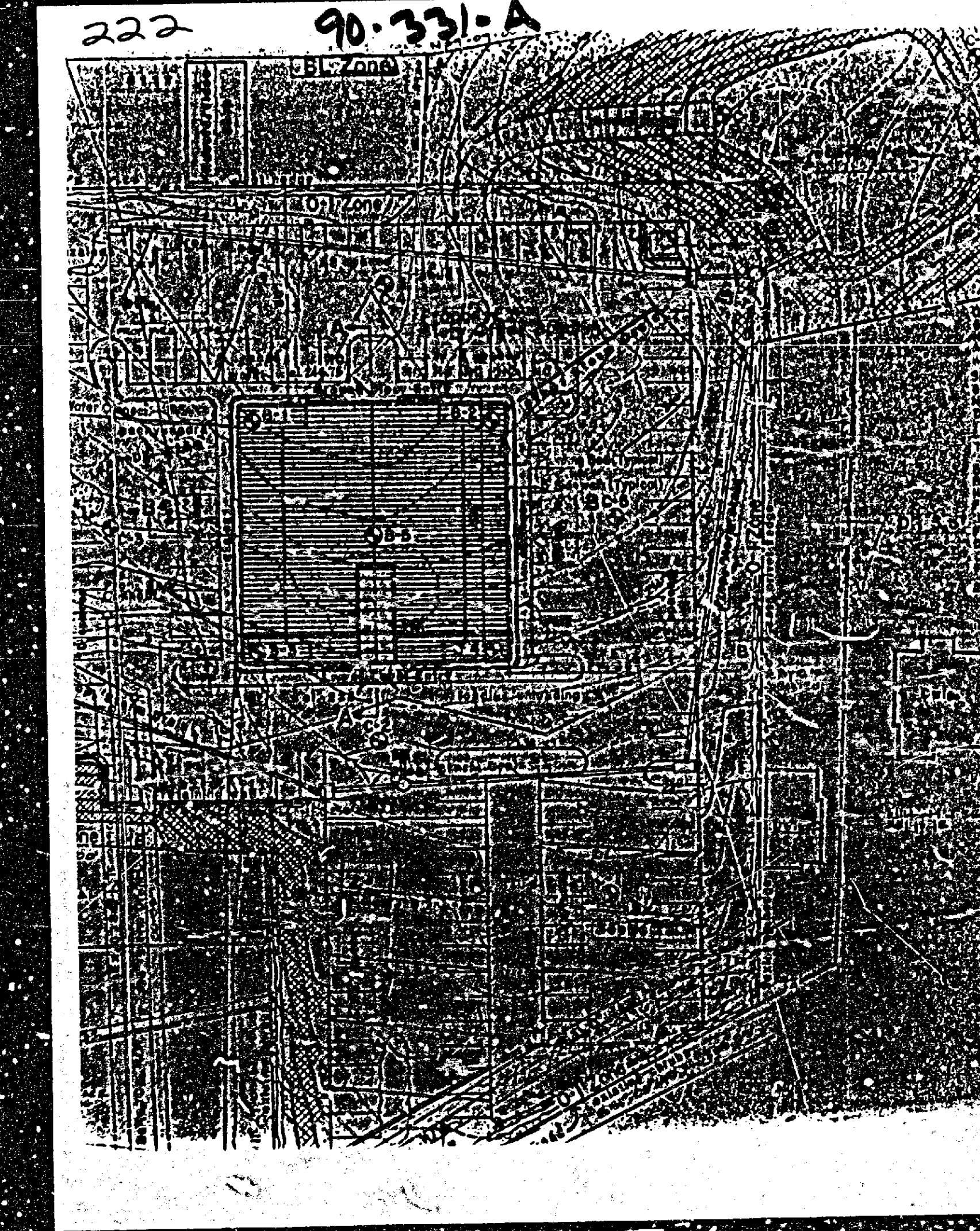
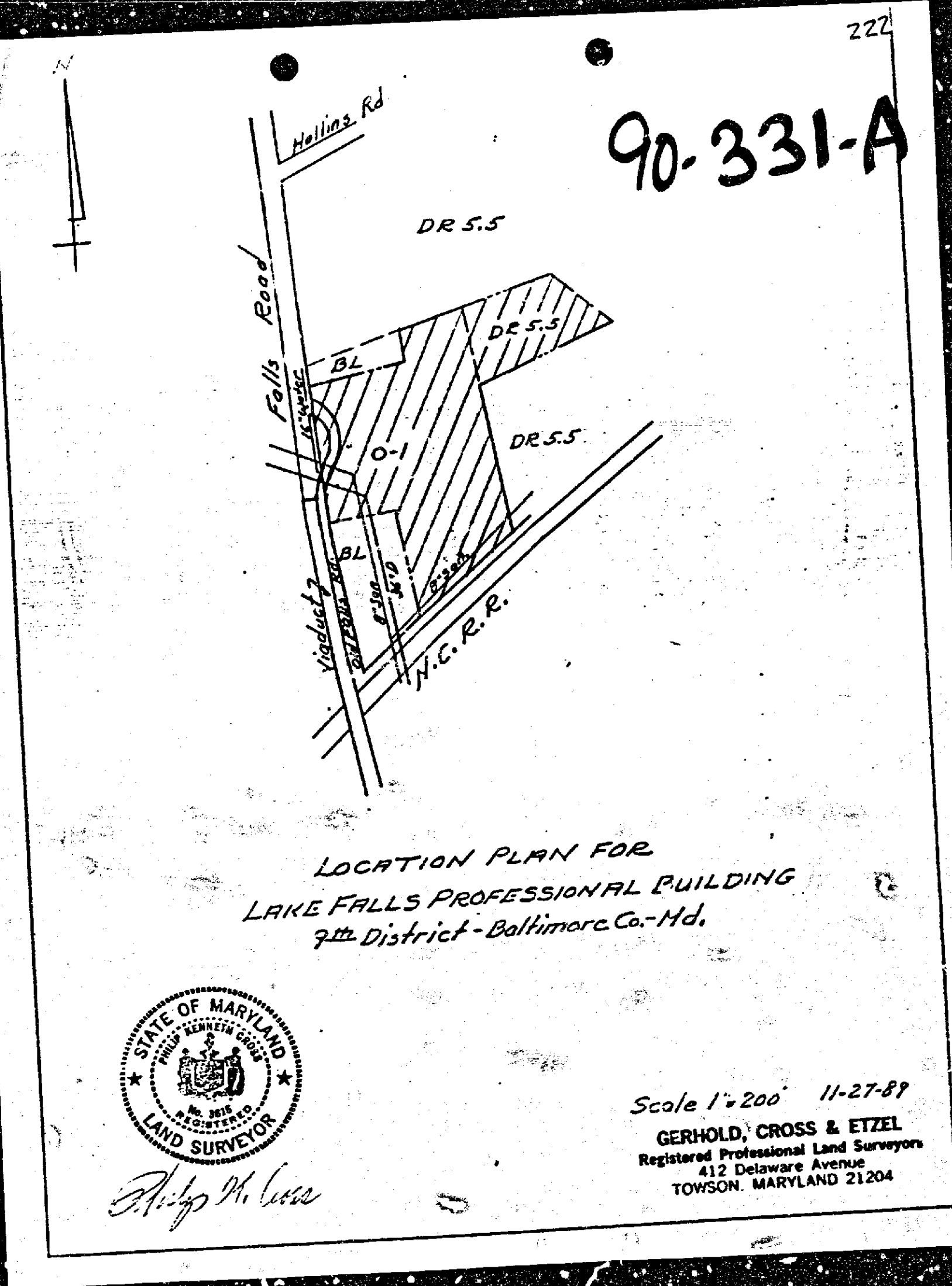
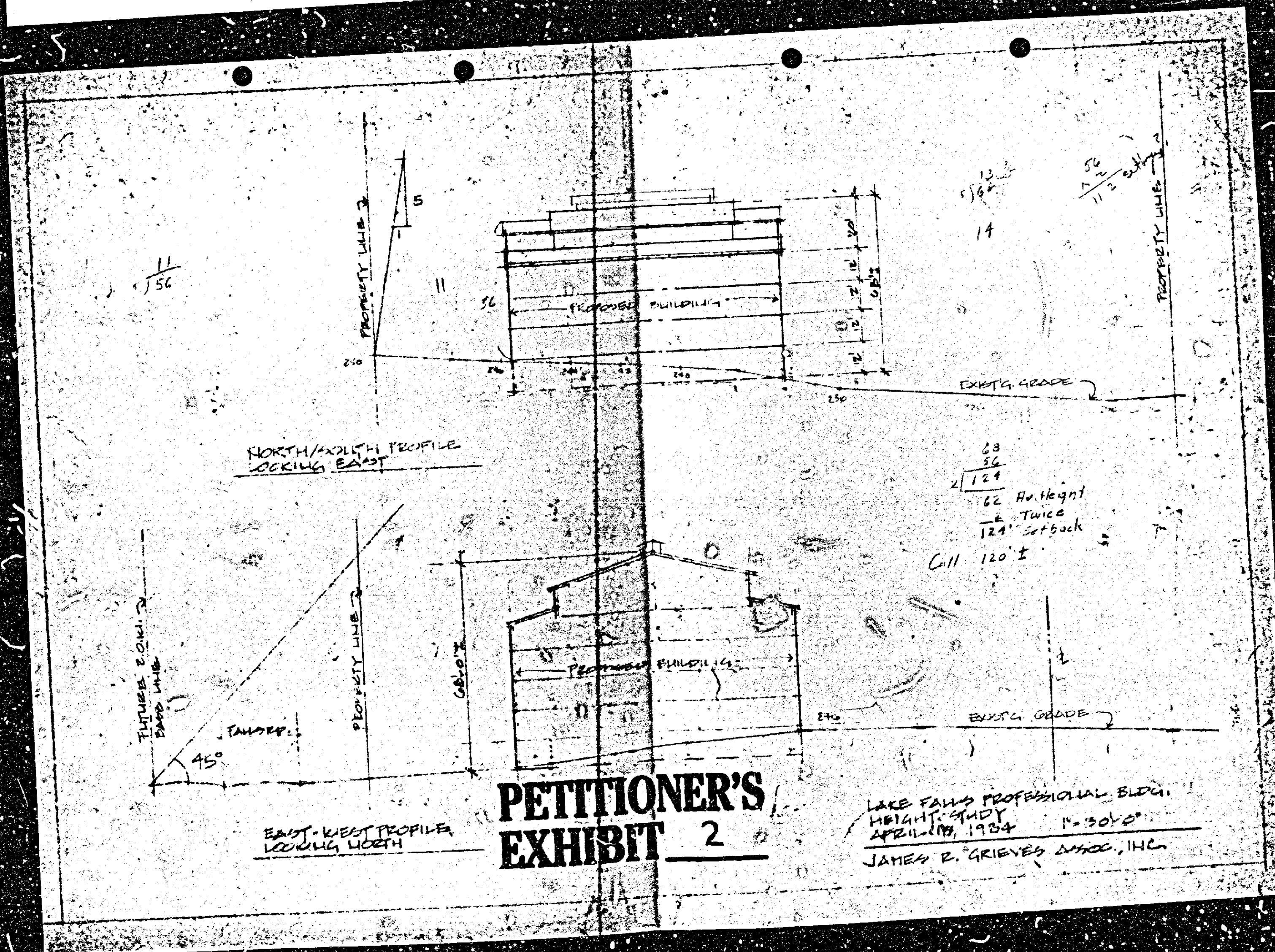
cc: Emil A. Budnitz, Jr.
David A. Friedman, Esq.
File



222 90-331-A

BALTIMORE COUNTY MARYLAND	
OFFICE OF THE ZONING ENGINEER	
1. CASE NUMBER: 90-331-A	
2. PETITIONER: EMIL A. BUDNITZ, JR.	
3. PROPERTY ADDRESS: 6115 FALLS ROAD	
4. ZONING DISTRICT: 9th ELECTION DISTRICT - 4th COUNCILMANIC	
5. VARIANCE REQUESTED: TO ALLOW AN EXISTING SETBACK OF 91.77 FT. IN LIEU OF THE REQUIRED 120 FT.	
6. HEARING DATE: TUESDAY, MARCH 6, 1990 AT 2:00 P.M.	
7. ZONING ENGINEER'S COMMENTS:	
8. ZONING ENGINEER'S RECOMMENDATION:	
9. ZONING ENGINEER'S SIGNATURE:	
10. ZONING ENGINEER'S TITLE:	
11. ZONING ENGINEER'S FIRM:	
12. ZONING ENGINEER'S ADDRESS:	
13. ZONING ENGINEER'S PHONE:	
14. ZONING ENGINEER'S FAX:	
15. ZONING ENGINEER'S E-MAIL:	
16. ZONING ENGINEER'S SIGNATURE:	
17. ZONING ENGINEER'S TITLE:	
18. ZONING ENGINEER'S FIRM:	
19. ZONING ENGINEER'S ADDRESS:	
20. ZONING ENGINEER'S PHONE:	
21. ZONING ENGINEER'S FAX:	
22. ZONING ENGINEER'S E-MAIL:	

90-331-A



222
90-331-A

90-331-A

222

EDIT [C:]SLIST [Rec: 1869/2873] [In:] [Cap:]

CURSOR	Field:	UP	DOWN	DELETE	Insert Mode:
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Word: Home End	Page: PgUp PgDn	Field: "Y"	Abort: "Esc"	Record: "U"	Memo: "Home"
Help: F1					

PERMIT NO. 075081
NAME: EMIL A. BUDNITZ JR.
ADDRESS: 6115 FALLS ROAD
SUBD. NO. C-651-85
CONTROL NO. 65-85
ELECT. DIS. 9
CENSUS TR. 490400
RPO 314
MAP 200 NW 8-B

See 1694-84

2498-87 alt
502-86 New Bldg
1056-85 gradg
1875-88 alt

EDIT [C:]BPMSS [Rec: 2172/3284] [In:] [Cap:]

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Help: F1					

MAP 200 NW 8-B
MAP 1000 3C
ZONING DK 5.5
MASTER PL 2
ISSUE DATE 08/29/85
COMP DATE 09/05/86
STATUS 2
OWNERSHIP 1
DEV. TYPE 11
OWN. INT 1
SUBSEWER 53

EDIT [C:]BPMSS [Rec: 2172/3284] [In:] [Cap:]

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Word: Home End	Page: PgUp PgDn	Field: "Y"	Abort: "Esc"	Record: "U"	Memo: "Home"
Help: F1					

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-031-6150
Number: 86

Date: 1/04/90

1/04/90

FULL PUBLIC HEARINGS FEES CTY PRICE

020 - ZONING VARIANCE (OTHER) 1 X \$175.00

TOTAL: \$175.00

LAST NAME OF OWNER: BUDNITZ, JR.

check from
Lord + Whip

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-331-A

Posted for: Variance

Petitioner: Emil A. Budnitz Jr.

Location of property: E/S of Falls Road, 375' south of the C&D

Location of Sign: Corner of 6115 Falls Road

Remarks:

Posted by: A. J. Ruck

Number of Signs: 1

Date of return: 2-16-90

DEED REFERENCES

- Deeds to Emil Budnitz:
1. from Howard V. Blevins EHK Jr. No. 6678-365
 2. from Eugene P. Dolan EHK Jr. No. 6678-367
 3. from Lucratia Cole EHK Jr. No. 6899-309
 4. from Rosemary Green et al EHK Jr. No. 6901-421
- Deed to Emil A. Budnitz, Jr.
1. from Isabella P. Cole EHK Jr. No. 6721-289

Total Area = 3.043 Acres ±
Zoned O-1 and DR 5.5 as shown
Total Parking Spaces - 137

Agreements as follows between:

1. Alice Fuller & Baltimore Gas & Electric Co. WJR No 3830-01
2. H. J. Wohl & wife & Consolidated Gas & Electric Co. of Baltimore CWB Jr. No. 1080-418

SURVEYORS CERTIFICATE

To: Emil A. Budnitz, Jr., Chicago Title Insurance Company a Canadian Corp.
Re: Lake Falls Professional Building

I hereby certify that on July 24, 1989 the above referenced survey was made on the ground and correctly shows the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon and the distance therefrom to the nearest exterior property lines; the location of all rights of way, easements and any other matters of record (or of which I have knowledge or have been advised, whether or not of record) affecting or benefitting the subject property, together with their respective recorded references; the location of the parking spaces provided thereby; all abutting dedicated streets providing access to the subject property, together with the width and name thereof and all other significant items on the subject property.

This survey meets the minimum standard detail requirements for Land Title Surveys as adopted by the American Title Association and American Congress of Surveying and Mapping.

Except as set forth on the survey, there are no encroachments upon the subject property by improvements on adjacent property, encroachments on adjacent property, streets or alleys by any improvements on the subject property, party walls, conflicts or protrusions.

Adequate ingress & egress to and from the subject property is provided as shown.

I have received and examined a copy of the commitment for title insurance No. 4-113,921-05 issued by Chicago Title Insurance Co. effective 7-21-89 and each instrument referenced therein. To the best of my knowledge there is no instrument of record to permit the present access through the subject property, as shown, for ingress and egress, from old Falls Road to Falls Road. Area cross-hatched.

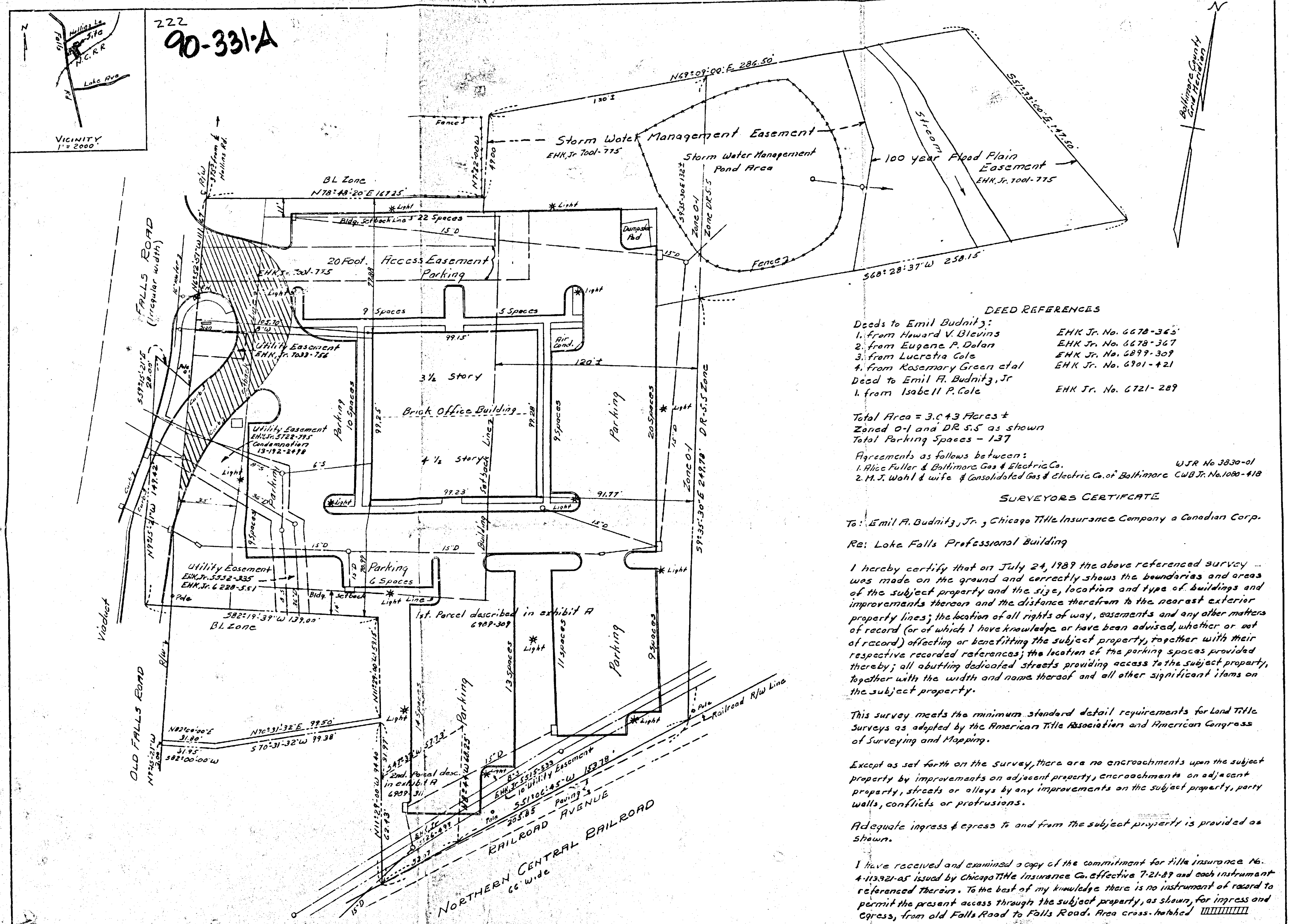
To the best of my knowledge and the interpretation of Baltimore Co. Zoning Regulations, the building setback lines are correct as shown.

The subject property does not lie within a designated Flood Plain as defined by the Federal Insurance Administration.

Signed Philip J. Gerhold 9-30-89
Rep. Prof. Land Surveyor No. 3615 Date



Scale 1"=30' July 24, 1989
GERHOLD, CROSS & ETZEL
Professional Land Surveyors
112 Delaware Avenue
Towson, Maryland 21204



LAKE FALLS PROFESSIONAL BUILDING
9th District - Baltimore Co. - Md.

Revised 11-27-89

BALTIMORE COUNTY, MARYLAND
 SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: ZONING OFFICE
 PROJECT NAME: Lake Falls Professional Building
 LOCATION: 6115 Falls Road
 DISTRICT: 9th Election District
 DATE: 3/28/85
 PLAN: ✓
 DEVELOPMENT PLAN:
 PLAT:

The following comments were written on the CRG plan dated Jan. 22, 1985 and accompanying elevation drawings.

- This plan lacks sufficient information for CRG approval. The following revisions are needed on both the plan and elevation drawings prior to CRG approval. They are as follows:
- The maximum permitted height for a Class C Office building in an O-1 zone is 60 feet. This is the average height from average grade to the average elevation of the roof of the highest story. The average building height should be dimensioned from the average grade to the average elevation of the roof on all four elevation drawings. It appears that the building exceeds the allowable height as follows: south elevation-61.25', west elevation-61', east elevation-61'. A variance may be requested or the building adjusted so it meets the maximum allowed height of 60'.
 - Note 9a should indicate gross & net site area by zone, i. e. acreage zoned D. R. 5.5 and acreage zoned O. 1. It is a note 9d should show how the f.a.r. was determined, it is a ratio between the gross floor area of the building divided by the O-1 zoned portion of the site. The maximum f.a.r. is .55. The D. R. zoned portion of the site may not be included in determining the f.a.r.
 - A Class C office building requires amenity open space to be provided at the rate of 20 percent of the net lot area zoned O-1. Calculations have not been and must be indicated on the O-1 plan. The amenity open space must be provided in the O-1 zone, not in the D. R. zone.
 - A note should be added to the general notes which indicates the signage proposed for the site. All signage must comply with Bill 24-83 which amended O-1 signage requirements. If accessory commercial uses are proposed it should be noted on the plan that "no more than 1.5 percent of the adjusted gross floor area of any office building may be occupied by accessory commercial uses". Some of the accessory commercial uses are permitted by right, such as photocopying establishments, travel bureaus and banks (see Section 204.3.4.3 B.C.2.3. for others). Other accessory uses require a Special Exception hearing (see Section 204.3.4.2. B.C.2.3).

(cont'd)

PETITIONER'S EXHIBIT 3

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

February 5, 1990

David A. Friedman, Esquire
 Lord & Whip, P.A.
 120 W. Fayette Street
 Baltimore, MD 21201

RE: Item No. 222, Case No. 90-331-A
 Petitioner: Emil A. Budnitz
 Petition for Zoning Variance

Dear Mr. Friedman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
 JAMES E. DYER
 Chairman
 Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Emil A. Budnitz, Jr.
 6115 Falls Road
 Baltimore, MD 21200

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

Dennis F. Rasmussen
 County Executive

Your petition has been received and accepted for filing this
 17th day of January, 1990.

J. Robert Haines
 J. ROBERT HAINES
 ZONING COMMISSIONER

Received By:

James E. Dyer
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: Emil A. Budnitz, Jr.

Petitioner's Attorney: David A. Friedman

(cont'd)

- Typical parking spaces and aisle widths should be dimensioned, i. e. 9' X 18' with 24' wide aisles. If 8.5' X 18' spaces are utilized with a foot and a half overhang, the area of the overhang may not be included in the minimum required amenity open space; A. o. s. must be at least 7' in width where it adjoins a parking area.
- The storm water management facility in the D. R. zone as indicated on the plan appears to be permitted by the B. C. 2. R. However a similar CRG plan has resulted in the filing of a Special Hearing on the Inverness property for a formal determination of whether a s.w.m. pond is permitted in a D. R. zone for an office building located in another zone. If someone wishes to file for a Special Hearing to determine whether the s.w.m. pond may be located as shown, they may do so.

Diana Iyer
 DIANA IYER
 Zoning Associate III

DI/sz

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS
 FROM: OFFICE OF PLANNING AND ZONING

DATE: March 27, 1985

PROJECT NAME: Lake Falls Professional Building
 COUNCIL & ELECTION DISTRICT: IX-430
 PLAN: XXXXXXXXXXXXXXXXXXXX
 PLAN EXTENSION:
 REVISED PLAN:
 PLAT:

The Office of Planning and Zoning has reviewed the subject plan dated January 22, 1985, and has the following comments:

Section 22-104 of the Development Regulations requires the following:
 DEVELOPMENT OF PROPERTY IN AN O-1 OR O-2 ZONE SHALL BE DESIGNED TO ACHIEVE THE FOLLOWING OBJECTS:

THE DEVELOPMENT WILL NOT PRODUCE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS.
 The following are among the matters that must be considered in making this finding:

- Preservation or appropriate replacement of trees or other significant vegetation;
- Effects on significant geological formations;
- Changes in grades;
- Potential erosion, siltation and runoff.

2. THE DEVELOPMENT WILL HAVE NO SIGNIFICANT ADVERSE IMPACT UPON, AND, TO THE EXTENT FEASIBLE, WILL GENERALLY ENHANCE AREAS NEARBY. In making this finding, the following are among the matters that must be considered:

- Landscaping, including the landscaping of parking areas;
- The way in which parking areas may be dispersed on the site, so that each of them will be relatively small;
- Design and placement of signs;
- Outdoor lighting;
- Prospective number of employees;
- Hours of operation;
- Present uses near the site; and
- Prospective residential development nearby.

3. The site will be used with careful regard for conservation of energy and for the safety and convenience of those who will work or do business there, those nearby, and the public in general. In making this finding, the following are among the matters that must be considered:

- Number, design, location of automobile and service entrances to and exits from the site;
- Layout of parking areas;
- Design and location of pedestrian ways and crossings;
- Encouragement of transit usage, if the site will be served by public transit;
- Building mass and orientation, access to light and air, and microclimate; and
- Aspects of energy efficiency not included in the matters listed above.

PETITIONER'S EXHIBIT 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
 Zoning Commissioner
 DATE: January 18, 1990

FROM: Pat Keller, Deputy Director
 Office of Planning and Zoning

SUBJECT: Emil A. Budnitz, Jr., Item 222

The Petitioner requests a variance to the setback requirements for an existing building.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Lake Falls Professional Building
 continued page 2

The plan as submitted does not contain sufficient information for review of compliance with the above items. The Amenity Open Space requirement must be calculated and clearly located on the plan within the O-1 zoned portion of the site.

The Amenity Open Space as shown on the plan in the D.R.5.5 zoned portion of the site is not acceptable. The Stormwater Management is also located in the D.R.5.5 area in a residential transition area. The stormwater management use may require a zoning hearing. The exterior materials and general height drawings. The plan submittal must also include the hours of operation, maximum number of employees, transit service as it relates to the site, any ancillary retail uses, signs etc. These items which are all included on the O-1 and O-2 Plan Checklist, must be addressed on the plan. The O-1 development must be designed so that all applicable O-1 requirements are complied with in the O-1 zoned portion of the site.

The landscape calculations as shown on the schematic landscape plan aren't correct. One tree is required for every 40 linear feet of adjacent road frontage, and one tree for every 20 linear feet of interior road frontage. The minimum tree requirements must be rounded up, i.e. 147' x 12' = 12.25 = 13 trees required. The plan must be revised accordingly. The schematic landscaping is generally acceptable. A Final Landscape Plan prepared by a registered landscape architect must be approved by this office prior to issuance of any grading or building permits.

Susan Carrell
 Susan Carrell

Baltimore County
 Fire Department
 700 East Joppa Road, Suite 901
 Towson, Maryland 21204-5500
 (301) 887-4500

Paul H. Reincke
 Chief

JANUARY 29, 1990

J. Robert Haines
 Zoning Commissioner
 Office of Planning and Zoning
 Baltimore County Office Building
 Towson, MD 21204



Dennis F. Rasmussen
 County Executive

RE: Property Owner: EMIL A. BUDNITZ, JR.
 Location: 6115 FALLS ROAD
 Item No.: 222 Zoning Agenda: JANUARY 16, 1990
 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved [Signature]
 Planning/Group Fire Prevention Bureau
 Special Inspection Division

JK/KEK

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 18, 1990.

For Items 214 and ~~227~~ the County Review
Group Comments for each item still apply.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

Robert Haines
August 31, 1989
Page 2

Well over two million dollars was spent constructing the project and hundreds of thousands more have been spent in property taxes, other improvements, leasing arrangements and the like. Four years have passed since the time of Baltimore County's initial approvals of the development. There have been no complaints, objections, or other problems relative to this development in that time. However, while Mr. Budnitz, the owner of the property, was attempting to secure refinancing for the property, the surveyors discovered a potential lien setting back restriction as shown on the attached drawing) which, without a variance, would cause unreasonable hardship to Mr. Budnitz since he would be unable to secure refinancing, his current financing would expire, or be accelerated, and he would be held liable for seventy-two thousand dollars in various commitment fees and other expenses. In addition, Mr. Budnitz has already expended over a thousand dollars in extension fees and attorney fees that have arisen solely as a result of these unforeseen impediments to the refinancing.

It is my understanding that upon the payment of \$35.00, which you will find enclosed, and this written letter of explanation and justification, you will be able, within ten working days, to provide me with a written variance, property set back restriction, or other zoning ordinance, as the case may be, by the Zoning Commission will have the force and effect of an actual variance which Mr. Sudnits, all subsequent owners and any individuals, including the said subject property, may rely upon as assurance that the improvement on the subject property are in accordance to and do not violate any applicable zoning ordinance and do not violate any applicable Ordinance of the County of San Bernardino and the City of Claremont, California, and that no pending or threatened proceeding, administrative,

September 5, 1989

Mr. David A. Friedman
Lord & Whip
800 One Center Plaza
120 West Fayette Street
Baltimore, Maryland 21201

RE: Permit No.: 75081
Control No.: C651-85
CRG No.: IX-430
Your File No.: 560-1-300
Lake Falls Professional Bldg.
6115 Falls Road
9th Election District

Dear Mr. Friedman:

By letter dated August 31, 1989, you have requested that this office provide you with a written variance waiving the setback requirement for the 01/D.R.-5.5 zoning. The improvements in question have been constructed within 91.77 ft. of the aforementioned line in lieu of the required 120 ft., more or less. The 120 ft. distance is based upon a requirement for a setback equal to twice the height of the building. The said building being approximately 58 to 60 ft. high, the building requires a 120 ft. setback.


It is my understanding that this building was constructed soon after processing an approval of plans by the County in 1985 and the setback deficiency was not picked up until a recent as-built survey revealed said deficiency.

Contrary to your request, the Zoning Commissioner is not empowered to grant variances without the required advertising, posting, and the public hearing. We do not dispute that the permit was properly obtained and we are very much aware that the permit application was processed and the permit was issued for compliance to the Zoning Regulations, the said application was either miscalculated or overlooked by our staff and the developer's engineer, and the permit application was issued in good faith.

Robert Haines
August 31, 1989
Page 2

legislative, or judicial, which if adversely determined would in any manner adversely affect the status of the zoning of the property.

Obviously, time is of the essence with respect to this matter and so I look forward to your prompt response. Naturally, if you have any questions, concerns or problems regarding this request, please do not hesitate to contact me. I thank you very much for your attention and concern regarding

Very truly yours,

David A. Friedman

DAF/kp:24770

cc: Emil Budnitz, Jr.
Dennis Brady, Esquire
John Howard, Esquire
Colleen Doyle, Walker & Dunlop
Ken Cross, Gerhold, Cross and Etzel
Beth Doetzer, Maryland National Bank
William Stevens, Chicago Title
W. Johanna Gibbon, Esquire

Mr. David A. Friedman
Rt: Lake Falls Professional Bldg.
September 5, 1989
Page 2

On the basis of these circumstances, inclusive of any of the doctrines mentioned in your letter that are judged to be applicable to this particular situation, this office will never pursue a zoning violation regarding this particular deficient setback. This action does not constitute the granting of a variance nor would the present or future owners be required to Petition the Zoning Commissioner for a Zoning Variance.

Should you desire additional information, clarification, or verification regarding this matter, please do not hesitate me at your earliest convenience.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

JED:cer

LORD & WHIP
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW
800 ONE CENTER PLAZA
120 WEST FAYETTE STREET
BALTIMORE, MARYLAND 21201
(301) 539-5581

August 31, 1989

SENT CERTIFIED MAIL AND
FEDERAL EXPRESS

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue, Room 406
Towson, Maryland 21204
Attn: Kate Milton

Re: Permit No.: 75081
Control No.: C651-85
CRG No.: IX-430
Our File No.: 560-1-300
Lake Falls Professional Bldg.
6115 Falls Road

Dear Ms. Milton:

Pursuant to your conversations with E. Johanna Gibbon of this office, we are writing to notify you formally of the pending situation and the immediate need to obtain a ~~work restriction~~ on the above money expended in the property.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS

DATE 9-6-89 ACCOUNT B-21-615

AMOUNT \$ 35.00

RECEIVED FROM: LORD + WHIP, P.A.

FOR: ZONING VERIFICATION
LAKE FALLS PROF. BLDG

B 813E*****3500:a 807F

The subject presently aged 40y 7m & 19d
is admitted that from as derived by the
Federal Insurance Administration.
8-2-68

REC. NO. 561
APR 11 1968

U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

GANDLOE, CROSS & FRYLL
Physician and Surgeon
412 Delaware Avenue
Towson, Maryland 21206

[illegible]

Except as set forth on the Survey, there are no encroachments upon the subject property by improvements on adjacent property, encroachments on adjacent property, shares or slices by any improvements on the subject property, party, conflicts, conflicts or preferences.

Field notes & ingress & egress to and from the subject property is provided as shown.

[illegible][illegible][illegible]

DEED REFERENCES

Deeds to Emil Budnyj:

1. from Howard V. Stevens
EMK JK. no. 66-28-365

2. from Eugene A. Stevens
EMK JK. no. 66-28-367

3. from Joseph A. Stevens
EMK JK. no. 67-1-303

4. from Economy Green deal
EMK JK. no. 67-1-421

Deeds to Emil R. Budnyj, Jr.

1. from Jacob R. Cule
EMK JK. no. 67-21-289

A technical drawing showing a perspective view of a rectangular object, possibly a box or container. The drawing includes dimension lines with arrows indicating measurements. There are handwritten annotations and numbers, including "100" and "100".

[illegible]

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 14, 1990



Dennis F. Rasmussen
County Executive

David A. Friedman, Esquire
Lord & Whip, P.A.
120 W. Fayette Street
Baltimore, Maryland 21202

RE: Petition for Zoning Variance
Case No. 90-331-A
Emil A. Budnitz, Petitioner

Dear Mr. Friedman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel

Mr. David A. Friedman
Re: Lake Falls Professional Bldg.
September 5, 1989
Page 2

On the basis of these circumstances, inclusive of any of the doctrines mentioned in your letter that are judged to be applicable to this particular situation, this office will never pursue a zoning violation regarding this particular deficient setback. This action does not constitute the granting of a variance nor would the present or future owners be required to petition the Zoning Commissioner for a Zoning Variance.

Should you desire additional information, clarification, or verification regarding this matter, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

James E. Dyer
Zoning Supervisor

JED:cer

LORD & WHIP
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

800 ONE CENTER PLAZA
120 WEST FAYETTE STREET
BALTIMORE, MARYLAND 21201

(301) 539-5881

January 4, 1990

222

Mr. J. Robert Haines
Baltimore County
Zoning Commissioner
Room 106
County Office Building
Towson, Maryland 21204

RE: Permit No.: 75081
Control No.: C651-85
CRG No.: IX-430
Our File No.: 560-1-300
Lake Falls Professional Bldg.
6115 Falls Road

Dear Mr. Haines,

I have enclosed a Petition for Zoning Variance with the following attachments:

1. Petition with attachment's (3 originals)
2. August 31, 1989 Letter from David A. Friedman, Esquire to J. Robert Haines, Zoning Commissioner (3 copies)
3. September 5, 1989 Letter from J. Robert Haines, Zoning Commissioner to David A. Friedman, Esquire (3 copies)
4. Location Plan (3 copies)
5. Zoning description under seal (3 originals)
6. Surveyor's Plat (12 copies)
7. Check for filing Petition in the amount of \$175.00

Thank you for your assistance and cooperation.

Very truly yours,

David A. Friedman

DAF/KP/2845Q
Enclosures

SMITH, SOMERVILLE & CASE

ATTORNEYS AT LAW
400 LIGHT STREET
BALTIMORE, MARYLAND 21202-1084
TELEPHONE (301) 757-1864
CABLE ADDRESS "SMITHCASE" TELERADIOGRAPH
PARAPPEL DIRECT DIAL (301) 388-8080

ANAPOLIS OFFICE
7 HANS CHARLES P. CE. ANAPOLIS, MARYLAND 21403-4456
TELEPHONE (410) 263-1800, EXT. 810
FAX (410) 263-1800
BALTIMORE DIRECT DIAL (301) 388-7608

April 24, 1991

RECEIVED
APR 29 1991

ZONING OFFICE

Mr. James E. Dyer
Zoning Supervisor
Baltimore County Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204

Re: 16 110 00682 908G
Emil A. Budnitz, Jr.,
and James R. Grieves, FAIA,
President, James R. Grieves
Associates, Inc.
6115 Falls Road - Lake Falls
Professional Building
9th Election District
Our File: 00304-22388

Dear Mr. Dyer:

Enclosed is a copy of a deposition subpoena which I will serve upon you at the deposition on Tuesday.

If you should have any questions about this matter, please feel free to contact me.

Very truly yours,

Douglas G. McNeill

DGM/jlk
Enclosure

LORD & WHIP
A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

800 ONE CENTER PLAZA
120 WEST FAYETTE STREET
BALTIMORE, MARYLAND 21201

(301) 539-5881

August 31, 1989

SENT CERTIFIED MAIL AND
FEDERAL EXPRESS

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
401 Bosley Avenue, Room 406
Towson, Maryland 21204
Attn: Kate Milton

Re: Permit No.: 75081
Control No.: C651-85
CRG No.: IX-430
Our File No.: 560-1-300
Lake Falls Professional Bldg.
6115 Falls Road

Dear Ms. Milton:

Pursuant to your conversations with E. Johanna Gibbon of this office, we are writing to notify you formally of the urgent pending situation and the immediate need to obtain a variance to the building setback restriction on the above referenced property based on the time and money expended in reliance on prior county approvals regarding the property.

As your records will reflect, the Lake Falls Professional Building Development was subject to lengthy considerations and reviews by the Zoning Commission, the County Review Group (C.R.G.), and the State Highway Administration during the years 1984 to 1985. During that time several questions arose with respect to the zoning changes and access road changes necessary for the approval of the development. For example, it was required that an access road to properties lying south of the development be diverted for easier access to Falls Road and development be diverted for easier access to the height of the serious time and attention was given to the height of the

222

84/25/91 12:02 13013775888

FLEUM PHARMACY

PAGE 81

FROM: AER AND DC REGION
04/24/1991 1:14pm
FROM: AER AND DC REGION

ARBITRATION TRIBUNALS OF THE
AMERICAN ARBITRATION ASSOCIATION
In the Matter of the Arbitration between

EMIL A. BUDNITZ, JR.
and
JAMES R. GRIEVES, FAIA, President, James
R. Grieves Associates, Inc.
No. 16 110 00682 908G

THE PEOPLE OF THE STATE OF

To: James E. Dyer, Zoning Supervisor
Baltimore County Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204

QUESTIONS: WE COMMAND YOU, that all business and accounts being held aside, you and each of you appear and attend before Charles A. Stapleton, Arbitrator, sitting under the Arbitration Law of this State, at the County Office Building, 111 W. Chesapeake Avenue, Room 119, Towson, Maryland 21204.

on the 30th day of April, 1991, at 9:30 a.m. to testify and give evidence in a certain Arbitration, then and there to be held between the above entitled parties.

Signed: Arbitrator

Requested by: James R. Grieves, FAIA, President
James R. Grieves Associates, Inc.

Douglas G. McNeill, Esq.
100 Light Street, Sixth Floor
Baltimore, Maryland 21201
(301) 539-5881
April 24, 1991

Dated: April 24, 1991
JRM:CM

August 31, 1989
Page 2

building and how it was to be measured in order to permit the subject property to attain an O-1 classification. Sometime after these deliberations, but prior to the time that the building permit was issued, and prior to the final approval of the Zoning Commission, the engineering firm of Whitman, Reardon & Associates engineered the final site plan for the improvements that were to be constructed. The Zoning Commission, C.R.G., and all necessary state and county agencies approved these plans, a building permit was issued (building permit #75081) and the site was developed in perfect compliance with all plans, specifications and drawings.

Well over two million dollars was spent constructing the project and hundreds of thousands more have been spent in property taxes, other improvements, leasing arrangements and the like. Four years have passed since the time of Baltimore County's initial approval of the development. There have been no complaints, violations, or other problems relative to this development in that time. However, while Mr. Budnitz, the owner of the property, was attempting to secure refinancing for the property, the surveyors discovered a potential building setback restriction (as shown on the attached drawing) which, without a variance, will cause unreasonable hardship to Mr. Budnitz since he would be unable to secure refinancing, his current financing would expire, or be accelerated, and he would be held liable for seventy-two thousand dollars or more in various commitment fees and expenses. In addition, Mr. Budnitz has already expended several thousand dollars in extension fees and attorney's fees that have arisen solely as a result of these unforeseen impediments to the refinancing.

Consequently, we are requesting an immediate variance based on the doctrines of laches, waiver, and estoppel and based on the practical difficulty arising from the zoning regulations (see Baltimore County Zoning Regulation 204.4C.1) as they affect the subject property. Woodley Park Community Association v. District of Columbia Board of Zoning Adjustment, 490 A.2d 628 (D.C. App. 1985); McLean v. Soley, 370 Md. 208, 310 A.2d 783 (1973), and that line of cases support the appropriateness of a variance in this instance.

It is my understanding that upon the payment of \$35.00, which you will find enclosed, and this written letter of explanation and justification, you will be able, within ten working days, to provide me with a written variance, waiving the setback restriction as it applies to the subject property and that this response by the Zoning Commission will have the force and effect of an actual variance which Mr. Budnitz, all subsequent owners and any individual or entities who attain a secured interest in the subject property may rely upon as assurance that the improvement on the subject property are in accordance to and do not violate any applicable zoning or use ordinance or regulation in effect in Baltimore County and that there is no pending or threatened proceeding, administrative,

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

227.

90-331-A



Dennis F. Rasmussen
County Executive

September 5, 1989

Mr. David A. Friedman
Lord & Whip
800 One Center Plaza
120 West Fayette Street
Baltimore, Maryland 21201

RE: Permit No.: 75081
Control No.: C651-85
CRG No.: IX-430
Your File No.: 560-1-300
Lake Falls Professional Bldg.
6115 Falls Road
9th Election District

Dear Mr. Friedman:

By letter dated August 31, 1989, you have requested that this office provide you with a written variance waiving the setback requirement from the 59' 25'30" 249'78" property line which also serves as the O/D.R.-5.5 zoning line. The improvements in question have been constructed within 91.77 ft. of the aforementioned line in lieu of the required 120 ft., more or less. The 120 ft. distance is based upon a requirement for a setback equal to twice the height of the building. Said building being approximately 58 to 60 ft. high, hence requiring a 120 ft. setback.

It is my understanding that this building was constructed soon after processing an approval of plans by the County in 1985 and the setback deficiency was not picked up until a recent as-built survey revealed said deficiency.

Contrary to your request, the Zoning Commissioner is not empowered to grant variances without the required advertising, posting, and the public hearing. We do not dispute that the permit was properly obtained and we are very much aware that at the time the permit application was processed and or checked for compliance to the Zoning Regulations, the setback was either miscalculated or overlooked by our staff and the developer's engineer, and the permit application approved in good faith.

222

August 31, 1989
Page 3

legislative, or judicial, which if adversely determined would in any manner adversely affect the status of the zoning of the property.

Obviously, time is of the essence with respect to this matter and so I look forward to your prompt response. Naturally, if you have any questions, concerns or problems regarding this request, please do not hesitate to contact me. I thank you very much for your attention and concern regarding this matter.

Very truly yours,

David A. Friedman

DAF/KP:2477Q

cc: Emil Budnitz, Jr.
Dennis Brady, Esquire
John Howard, Esquire
Colleen Doyle, Walker & Dunlop
Ken Cross, Gerhold, Cross and Etzel
Beth Doetzer, Maryland National Bank
William Stevens, Chicago Title
E. Johanna Gibbon, Esquire